

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed June 2, 2009. Claims 10-23 are pending in this Application and Claims 10-23 stand rejected. Claims 1-9 were previously canceled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §102

Claims 10 and 15 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,748,191 issued to Michael J. Rozak, et al. ("*Rozak*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Rozak fails to teach all limitations of Claims 10 and 15, as amended. For example, regarding amended Claim 10, *Rozak* fails to teach:

wherein a first active partial vocabulary of the voice recognition apparatus is automatically generated upon initiation of a voice recognition application based on the names of the links in the file directory at that time, such that changes to the file directory are automatically reflected in the first active partial vocabulary.

Amended Claim 15 recites similar limitations.

Rozak does not teach these limitations. *Rozak* teaches a method and system for creating voice commands to perform a series of recorded user interactions. Creating each voice command involves significant user interaction, including: performing a number of user interactions desired to be recorded, invoking a "create command from previous interactions" command (preferably by speaking such words), and filling in various fields in a voice command information dialog box 860 (such as a context field 861, a name field 862, a

description field 863, and a confirmation field 864), and then selecting from a recent interactions list box the user interactions that the user wishes to tie to the voice command being created. Thus, voice commands in *Rozak's* system are clearly not *automatically* generated, much less *automatically generated upon initiation of a voice recognition application based on the names of the links in the file directory at that time*. Further, *Rozak* does not teach that "changes to [a] file directory are automatically reflected in [a] first active partial vocabulary," as recited in amended Claims 10 and 15.

For at least these reasons, *Rozak* does not teach the limitations of amended Claims 10 or 15. Therefore, Applicants respectfully request reconsideration and allowance of amended Claims 10 and 15, as well as Claims 11-14 and 16-23 that depend therefrom.

Rejections under 35 U.S.C. § 103

Dependent Claims 11-14, 16, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rozak*.

Dependent Claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rozak* as applied to Claim 16 and further in view of U.S. Patent No. 5,280,563 issued to William F. Ganong ("*Ganong*").

Dependent Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rozak* in view of *Ganong* as applied to Claim 17 and further in view of U.S. Patent No. 6,434,523 issued to Peter C. Monaco ("*Monaco*").

Applicants respectfully submit that dependent claims 11-14 and 16-23 are allowable at least because they depend from amended independent Claims 10 and 15, shown above to be allowable. Applicants do not concede that any of the combinations proposed by the Examiner are proper.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. **86528** and all telephone calls should be directed to Applicants' attorney, Eric M. Grabski, at 512.457.2030. A Request for Change of Correspondence Address form is filed herewith.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 10-23.

Applicants respectfully submit a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of \$130.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicants believe there are no other fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
KING & SPALDING L.L.P.
Attorneys for Applicants

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Date: 9/30/09

SEND CORRESPONDENCE TO:

King & Spalding L.L.P.

CUSTOMER ACCOUNT NO. **86528**

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